UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

REALNETWORKS, INC., a Washington corporation, Plaintiff, vs MLB ADVANCED MEDIA, L.P., a Delaware corporation, Defendant.	C04–0511FDB ORDER REQUIRING INITIAL DISCLOSURES AND JOINT STATUS REPORT

It is **ORDERED** that:

Pursuant to the Federal Rules of Civil Procedure, the deadline for FRCP 26(f) Conference is June 18, 2004, Initial Disclosures pursuant to FRCP26(a) by June 25, 2004. The parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan not later than July 2, 2004. ***FILING DEADLINES MEAN THE DATE ITEMS ARE TO BE FILED IN TACOMA. Counsel are STRONGLY ENCOURAGED to electronically file all documents with the Court for the following reasons: Electronically filed pleadings are instantly filed an the Court has instant access to review and consider pleadings. Pleadings filed in paper form have to be labeled, scanned and then docketed in the Clerk's Office. That can, and likely will, result in a delay***

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of several days before the document is posted on the docket sheet, which will result in a delay before the Court will be able to review and consider the pleading.

The Joint Status Report shall contain the following information:

1. What is the statutory jurisdictional basis for this Court's jurisdiction?
   a. Concisely state the facts underlying the asserted basis for this Court's jurisdiction.
   b. If a corporation is a party, name the state by which it was incorporated, and set forth facts demonstrating the corporation's principal place of business.
2. Is there any other jurisdiction where this cause of action might have been brought? If so, why is the Western District of Washington the preferred place of filing?
3. What is the nature and complexity of the case?
4. What is the status of the case including hearings, motions, and discovery?
5. Should this case or portions of it be referred to a Special Master pursuant to Fed.R. Civ.P. 53?
6. Is this case appropriate for mediation under Local Rule 39.1? ***If no** explain.*
7. Do the parties agree to consent that a full-time magistrate judge may conduct all proceedings including trial under Local Rule MJR 13? Agreement in the Joint Status Report will constitute the parties consent to referral to U.S. Magistrate Judge J. Kelley Arnold
8. On what date will the case be ready for trial, considering Local Rule 16 deadlines?
9. Is the trial to be jury or non-jury?
10. The number of trial days required?
11. The names, addresses and telephone numbers of trial counsel?
12. The dates on which trial counsel are unavailable and any other complications to be considered in setting a trial date?
13. Suggestions for shortening or simplifying trial.

14. Should the case be bifurcated, trying liability issues before damages issues, or bifurcated in any other way?

It is the responsibility of the Plaintiff's counsel to serve a copy of this order upon all parties who may appear after this Order is filed within ten (10) days of receipt of service of an appearance. It is also the responsibility of Plaintiff's counsel to initiate the communication necessary to prepare this Joint Status Report.

If counsel are unable to agree upon the content of any part of the status report, they may respond in separate paragraphs. ***Separate status reports are not to be filed.***

If on the due date of the Joint Status Report, ***all*** defendant(s) or respondent(s) have not been served, counsel for the plaintiff shall advise the Court in an independent status report when service will be effected and why service has not been previously accomplished.

If on the due date the defendant(s) or respondent(s) have been served and no answer or appearance has been filed, counsel for the plaintiff shall file an independent status report setting forth the above information in items 1 through 10 to the extent possible. This report shall also include the current status of the non-appearing parties.

Failure to respond to this Order pursuant to its terms may result in the impositions of sanctions by the Court. The Clerk of this Court is instructed to send uncertified copies of this Order to all counsel of record.

DATED this 11th day of March 2004.

____\s\ ***Franklin D. Burgess****____
FRANKLIN D. BURGESS
United States District Judge